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09/698,441	10/30/2000	Hiroshi Kishi	107427	6528

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

ABDULSELAM, ABBAS I

ART UNIT PAPER NUMBER

2629

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,441

Applicant(s)

KISHI ET AL.

Examiner

Abbas I. Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14, 17 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-7, 15, 16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to a communication filed on 06/07/06. Claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments filed on 06/07/06 have been fully considered but they are not persuasive.

In view of the interview conducted on 05/19/06, the rejection of claims 1-3, 15 and 18 based on 35 U.S.C. 112, second paragraph is withdrawn. However, the rejection of claims 1-7, 15-16 and 18-19 under 35 U.S.C. 103(a) is maintained and the arguments in this regard are addressed as follows.

Applicant argues that the cited reference, Wataru et al. does not teach "canceling prohibition against the inputting canceller or an operation nullification cancel means that cancels prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance if a predetermined period of time has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance". However as mentioned above Wataru teaches operating switching means (12, 13) for canceling prohibition condition, and discloses a discharge of transit operation with respect to a predetermined period of time.

Applicant argues that Wataru's release switches (12, 13) are not automatic and the predetermined time mentioned is not the time elapsed right before the release of the switches (12, 13).

However, the claims as carefully interpreted by the examiner do not necessarily reflect any automatic transition from "operation nullification device" to "operation nullification canceller". Hence, given a broad nature of the claim language used in the claims, Wataru reference reads over the argued claims.

Even if the claims reflect automatic transition, the examiner maintains that the previously presented argument still holds true.

It would have been obvious to substitute an automated switching means for the manual switches (12, 13) of Wataru since it has generally been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. In re Venner, 120 USPQ 193 (CCPA 1958).

Moreover, One of ordinary skill in the art would have ascertained that automation with respect to switching involves elapsing of time before and after the use of automatic switches and hence would be obvious to set the desired interval of time.

Applicant argues that Wataru et al does not teach an operation nullification device or operation nullification means that is constructed to judge whether or not the predetermined condition has been fulfilled depending on the number of dummy switches included in information displayed by the display device. Applicant further argues that Wataru does not teach judging whether or not a predetermined traveling condition related to operation of the vehicle has

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been fulfilled, depending on the number of dummy switches included in information displayed by the display device

However, as shown in the art rejection below, Wataru teaches a speed sensor (10) that judges the condition of the car with respect to a speed as shown in Drawing 1. Wataru also teaches a control device (ECU), which transmits a signal according to an actuation of a control unit (2) as well as receives an indicative data in order to make a display (1) perform (12th paragraph, under “Detailed Description”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a speed sensor (10) and a control device (ECU) as configured in drawing 1 for the purpose of establishing a relationship between the condition of the car and the images on the display (see 12th & 13 paragraphs under “Detailed Description”).

Note that Wataru’s touch switches could be configured in any desirable format since that such a configuration is well known in the art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 15-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wataru et al. (Japanese Publication # 11-198745)

Regarding claim 1, Wataru et al. (hereinafter = Wataru) teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”) and constructed to input predetermined operation performed by an operator based on information displayed by display device as an operator guidance and change information to be displayed by the display device upon input of the operator guidance (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2)), comprising: operation nullification device that prohibits the predetermined operation performed by the operator from being inputted as the operator guidance upon fulfillment of a predetermined traveling condition related to operation of the vehicle to prevent unsafe operation while the vehicle is traveling (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10)); and operation nullification canceller (Fig. 1 (2) Fig. 7(12, 13)) that cancels prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (see the abstract where inhibition of the input operation is released, also see switches (12, 13)) if a predetermined time period has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (page 4 first paragraph under “DETAILED DESCRIPTION starting from lines 5, discharge of transit compulsion with respect to predetermined period of time).

However, Wataru’s release switches (12, 13) are not automatic and the predetermined time mentioned is not the time elapsed right before the release of the switches (12, 13).

It would have been obvious to substitute an automated switching means for the manual switches (12, 13) of Wataru since it has generally been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. In re Venner, 120 USPQ 193 (CCPA 1958).

Regarding claim 2, Wataru teaches the operation nullification device is constructed to judge whether or not the predetermined traveling condition has been fulfilled, depending on information displayed by the display device (page 3 third & fourth paragraphs under “DETAILED DESCRIPTION”, Maine ECU 3 in steps 101-104).

Regarding claim 3, Wataru teaches first operation device for performing the predetermined operation based on a first action made by the operator; and second operation device for performing the predetermined operation based on a second action made by the operator, the second action being different from the first action, wherein: the operation nullification device that judges whether or not the predetermined traveling condition has been fulfilled, depending on whether the predetermined operation is performed by the first operation device or by the second operation device (Page 4 first paragraph under starting lines 15 under “DETAILED DESCRIPTION”).

Regarding claim 4, Wataru teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”), comprising: screen

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controller that causes display device to display information including a plurality of dummy switches and changing the information displayed by the display device to information corresponding to the operated dummy switch (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2) and page 2, under “DETAILED DESCRIPTION” last two lines, control device 5-9 making a switch display); and operation nullification device that nullifies operation of the dummy switch (disabling touch switches page 3 lines 1-2 under “DETAILED DESCRIPTION”) upon fulfillment of a predetermined traveling condition related to operation of the vehicle and prohibits information displayed by the display device from being changed based on the operation to prevent unsafe operation while the vehicle is traveling(see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10), and page 3 lines 1-2 under “DETAILED DESCRIPTION”), wherein the operation nullification device is constructed to judge whether or not the predetermined condition has been fulfilled, depending on the number of dummy switches included in information displayed by the display device (page 3 lines 1-5 under “DETAILED DESCRIPTION”, speed sensor (10)).

Wataru does not specifically teach an operation nullification device or operation nullification means that is constructed to judge whether or not the predetermined condition has been fulfilled depending on the number of dummy switches included in information displayed by the display device.

However, as shown in the art rejection below, Wataru teaches a speed sensor (10) that judges the condition of the car with respect to a speed as shown in Drawing 1. Wataru also

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teaches a control device (ECU), which transmits a signal according to an actuation of a control unit (2) as well as receives an indicative data in order to make a display (1) perform (12th paragraph, under “Detailed Description”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a speed sensor (10) and a control device (ECU) as configured in drawing 1 for the purpose of establishing a relationship between the condition of the car and the images on the display (see 12th & 13 paragraphs under “Detailed Description”).

Regarding claim 5, Wataru teaches operation nullification canceller that cancels nullification of operation of the dummy switch if a predetermined time period has elapsed since the start of nullification of the operation by the operation nullification device (see the abstract where inhibition of the input operation is released, also see switches (12, 13), and page 4 first paragraph under “DETAILED DESCRIPTION starting from lines 5).

Regarding claim 6, Wataru teaches operation nullification canceller that cancels nullification of the operation of the dummy switch by the operation nullification device if the vehicle has stopped (see the abstract where inhibition of the input operation is released, also see switches (12, 13) and speed sensor (10)).

Regarding claim 7, Wataru teaches first operation device for performing the predetermined operation based on a first action made by the operator; and second operation

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device for performing the predetermined operation based on a second action made by the operator, the second action being different from the first action, wherein the operation nullification device is constructed to judge whether or not the predetermined traveling condition has been fulfilled, depending on whether the predetermined operation is performed by the first operation device or by the second operation device((Page 4, first paragraph under starting lines 15 under “DETAILED DESCRIPTION”).

Regarding claim 15, Wataru teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”) and constructed to input predetermined operation performed by an operator based on information displayed by display device as an operator guidance and change information to be displayed by the display device upon input of the operator guidance (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2)), comprising: operation nullification means for prohibiting the predetermined operation performed by the operator from being inputted as the operator guidance upon fulfillment of a predetermined traveling condition related to operation of the vehicle to prevent unsafe operation while the vehicle is traveling (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10)); and operation nullification cancel means for canceling prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (see the abstract where inhibition of the input operation is released, also see switches (12, 13)) if a predetermined time period has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance (page 4 first

paragraph under “DETAILED DESCRIPTION starting from lines 5, discharge of transit compulsion with respect to predetermined period of time).

However, Wataru’s release switches (12, 13) are not automatic and the predetermined time mentioned is not the time elapsed right before the release of the switches (12, 13).

It would have been obvious to substitute an automated switching means for the manual switches (12, 13) of Wataru since it has generally been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. In re Venner, 120 USPQ 193 (CCPA 1958).

Moreover, One of ordinary skill in the art would have ascertained that automation with respect to switching involves elapsing of time before and after the use of automatic switches and hence would be obvious to set the desired interval of time.

Regarding claim 16, Wataru teaches a control apparatus for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”), comprising: screen control means for causing display device to display information including a plurality of dummy switches and changing the information displayed by the display device to information corresponding to the operated dummy switch (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2) and page 2, under “DETAILED DESCRIPTION” last two lines, control device 5-9 making a switch display); and operation nullification means for nullifying operation of the dummy switch (disabling touch switches page 3 lines 1-2 under “DETAILED DESCRIPTION”) upon fulfillment of a

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predetermined traveling condition related to operation of the vehicle and prohibiting information displayed by the display device from being changed based on the operation to prevent unsafe operation while the vehicle is traveling(see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10), and page 3 lines 1-2 under “DETAILED DESCRIPTION”), wherein the operation nullification means is constructed to judge whether or not the predetermined condition has been fulfilled, depending on the number of dummy switches included in information displayed by the display device(page 3 lines 1-5 under “DETAILED DESCRIPTION”, speed sensor (10)).

Wataru does not specifically teach an operation nullification device or operation nullification means that is constructed to judge whether or not the predetermined condition has been fulfilled depending on the number of dummy switches included in information displayed by the display device.

However, as shown in the art rejection below, Wataru teaches a speed sensor (10) that judges the condition of the car with respect to a speed as shown in Drawing 1. Wataru also teaches a control device (ECU), which transmits a signal according to an actuation of a control unit (2) as well as receives an indicative data in order to make a display (1) perform (12th paragraph, under “Detailed Description”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a speed sensor (10) and a control device (ECU) as configured in drawing 1 for the purpose of establishing a relationship between the condition of the car and the images on the display (see 12th & 13 paragraphs under “Detailed Description”).

Regarding claim 18, Wataru teaches a control method for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”) and constructed to input predetermined operation performed by an operator based on information displayed by display device as an operator guidance and change information to be displayed by the display device upon input of the operator guidance (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2)), comprising the steps of prohibiting the predetermined operation performed by the operator from being inputted as the operator guidance upon fulfillment of a predetermined traveling condition related to operation of the vehicle to prevent unsafe operation while the vehicle is traveling (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10)); and canceling prohibition(Fig. 1 (2) Fig. 7(12, 13)) against the inputting of the predetermined operation performed by the operator as the operator guidance(see the abstract where inhibition of the input operation is released, also see switches (12, 13)) if a predetermined time period has elapsed since the prohibition against the inputting of the predetermined operation performed by the operator as the operator guidance(page 4 first paragraph under “DETAILED DESCRIPTION” starting from lines 5, discharge of transit compulsion with respect to predetermined period of time).

However, Wataru’s release switches (12, 13) are not automatic and the predetermined time mentioned is not the time elapsed right before the release of the switches (12, 13).

It would have been obvious to substitute an automated switching means for the manual switches (12, 13) of Wataru since it has generally been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. In re Venner, 120 USPQ 193 (CCPA 1958).

Regarding claim 19, Wataru teaches a control method for input screens that is installed in a vehicle (page 1, first paragraph under “DETAILED DESCRIPTION”), comprising the steps of causing display device to display information including a plurality of dummy switches and changing the information displayed by the display device to information corresponding to the operated dummy switch (page 2, fourth & fifth paragraphs under “DETAILED DESCRIPTION”, display screen (2a), control unit (2) and page 2, under “DETAILED DESCRIPTION” last two lines, control device 5-9 making a switch display); judging whether or not a predetermined traveling condition related to operation of the vehicle has been fulfilled, depending on the number of dummy switches included in information displayed by the display device to prevent unsafe operation while the vehicle is traveling (page 3 lines 1-5 under “DETAILED DESCRIPTION”, speed sensor (10)); and nullifying operation of the dummy switch (disabling touch switches page 3 lines 1-2 under “DETAILED DESCRIPTION”) upon fulfillment of a predetermined condition and prohibiting information displayed by the display device from being changed based on the operation (see the abstract, where input operation by the driver is inhibited depending on a signal from car speed sensor (10), and page 3 lines 1-2 under “DETAILED DESCRIPTION”).

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Wataru does not specifically teach an operation nullification device or operation nullification means that is constructed to judge whether or not the predetermined condition has been fulfilled depending on the number of dummy switches included in information displayed by the display device.

However, as shown in the art rejection below, Wataru teaches a speed sensor (10) that judges the condition of the car with respect to a speed as shown in Drawing 1. Wataru also teaches a control device (ECU), which transmits a signal according to an actuation of a control unit (2) as well as receives an indicative data in order to make a display (1) perform (12th paragraph, under “Detailed Description”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a speed sensor (10) and a control device (ECU) as configured in drawing 1 for the purpose of establishing a relationship between the condition of the car and the images on the display (see 12th & 13 paragraphs under “Detailed Description”).

Allowable Subject Matter

4. Claims 8-14, 17 and 20 are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Abbas abdulsalam

Examiner

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August 28, 2006

A handwritten signature in black ink, appearing to read 'R. Hjerpe', with a stylized, flowing script.

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600